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Attorneys for Plaintiff SIMONA MONTALVO,  
 on behalf of herself and all others similarly situated

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

SIMONA MONTALVO, on behalf  
 of herself and all others similarly  
 situated,

Plaintiffs,

v.

WERNER ENTERPRISES, INC.  
 d/b/a "C.L. WERNER, INC.," a  
 Nebraska corporation; and DOES 1 to  
 100, inclusive,

Defendants.

Case No.: EDCV11-294 MMM (OPx)  
 Honorable Margaret M. Morrow  
 Courtroom 780

**CLASS ACTION**

**~~PROPOSED~~ ORDER AND  
 JUDGMENT GRANTING FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT, ATTORNEY'S  
 FEES AND COSTS AND CLASS  
 REPRESENTATIVE  
 ENHANCEMENT**

Date: February 25, 2013  
 Time: 10 am  
 Dept.: 780

Action filed: January 18, 2011  
 Action removed: February 17, 2011

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1 The Plaintiff Classes, as defined below, and the settling Defendant Werner  
 2 Enterprises, Inc. (hereinafter referred to as “Defendants” or “Werner”) have entered  
 3 into an agreement to settle the above-captioned class action, subject to the Court’s  
 4 approval. The Settlement provides for the payment of compensation to each Class  
 5 Member at Werner within the State of California during the class period.

6 Pursuant to the Preliminary Approval Hearing and Order, this Court granted  
 7 preliminary approval to the Settlement. The Preliminary Approval Order also  
 8 approved of the proposed forms of notice and notice plan. The Court entered the  
 9 Preliminary Approval Order after review and consideration of all of the pleadings  
 10 filed in connection herewith.

11 In compliance with the Preliminary Approval Order, notice was sent to all  
 12 Class Members via first-class mail. Furthermore, multiple follow-up mailings were  
 13 performed for returned mail in addition to the distribution of any Notice Forms to  
 14 Class Members requesting copies. The notice program was timely completed.

15 This matter is now before the Court on Plaintiff’s Motion for Final Approval of  
 16 the Class Action Settlement, Plaintiff’s counsels’ Attorneys Fees, Costs and Class  
 17 Representative Enhancement. The Court has read, heard, and considered all the  
 18 pleadings and documents submitted, and the presentations made in connection with  
 19 the Motion which came for hearing on February 25, 2013. This Court finds that the  
 20 proposed settlement appears to be the product of serious, informed, non-collusive  
 21 negotiations, concludes that it has no obvious deficiencies, and that it does not  
 22 improperly grant preferential treatment to any individuals. The Court finds that the  
 23 settlement was entered into in good faith. The Court further finds that the settlement  
 24 is fair, reasonable and adequate and that Plaintiffs have satisfied the standards for final  
 25 approval of a class action settlement under federal law. Under the provisions of  
 26 Federal Rule of Civil Procedure 23, the Trial Court has discretion to certify a Class  
 27 where: “[Q]uestions of law or fact common to the members of the Class predominate  
 28 over any questions affecting only individual members, and that a class action is

1 superior to the available methods for the fair and efficient adjudication of the  
2 controversy...” Fed. R. Civ. Proc. 23(b)(3).

3 Certification of a Class is the appropriate judicial device under these  
4 circumstances.

5 Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

6 1. This Court has jurisdiction over the claims of the Settlement Class  
7 Members asserted in this proceeding and over all parties to the action.

8 2. For the reasons set forth in the Preliminary Approval Order, in the  
9 transcript of the proceedings of the February 25, 2013 hearing, and in the court’s order  
10 granting final approval, which are adopted and incorporated herein by reference, this  
11 Court finds that the applicable requirements of the Federal Rule of Civil Procedure 23  
12 has been satisfied with respect to the Settlement Class and the proposed settlement.

13 3. The Class Definition is as follows:

14 Those classified as student drivers or co-drivers who attended Defendant’s  
15 Fontana, California Orientations during the Settlement Period (defined as January  
16 18, 2007 through May 18, 2012). Settlement Class 1 consists of Class Members  
17 who attended but did not complete Orientation. Settlement Class 2 consists of  
18 Class Members who attended and completed Orientation.

19 4. The notice given to the Class Members fully and accurately informed the  
20 Class Members of all material elements of the proposed Settlement and of their  
21 opportunity to object or comment thereon; was the best notice practicable under the  
22 circumstances; was valid, due and sufficient notice to all Class Members; and  
23 complied fully with the laws of the State of California, Federal Rules of Civil  
24 Procedure, the United States Constitution, due process and other applicable law. The  
25 summary notices fairly and adequately described the Settlement and provided Class  
26 Members adequate instructions and a variety of means to obtain additional  
27 information. A full opportunity has been afforded to the Settlement Class Members to  
28 participate in this hearing, and all Settlement Class Members and other persons

1 wishing to be heard have been heard. Accordingly, the Court determines that all  
 2 Settlement Class Members who did not timely and properly execute a Request for  
 3 Exclusion are bound by this judgment and order.

4 5. Pursuant to California law and Federal Rule of Civil Procedure 23(e), the  
 5 Court hereby grants final approval to the Settlement and finds that it is fair, reasonable  
 6 and adequate, and in the best interests of the Settlement Class as a whole.  
 7 Accordingly, the Court hereby directs that the Settlement be effected in accordance  
 8 with the Settlement Agreement and the following terms and conditions.

9 6. With this final approval of the proposed settlement, it is hereby ordered  
 10 that any and all claims, debts, liabilities, demands, actions, or causes of action arising  
 11 out of or relating to the facts, matters, transactions or occurrences referred to in this  
 12 class action entitled Simona Montalvo v. Werner Enterprises, Inc., from January 18,  
 13 2007 through May 18, 2012 are hereby released.

14 7. It is hereby ordered that a Class Representative Enhancement of \$7,500  
 15 for the Class Representative Plaintiff Simona Montalvo is fair and reasonable.

16 8. For the reasons set forth in the Application for an Award of Attorneys  
 17 Fees and Costs, the court awards attorneys' fees of \$191,666.66, litigation costs of  
 18 \$104,931.21, and \$40,000 in fees and costs for the Claims Administrator fees. These  
 19 amounts shall be paid out of the total settlement fund as set forth in this settlement  
 20 agreement. Plaintiff's counsels' request falls within the range of reasonableness and  
 21 the result achieved justifies the award.

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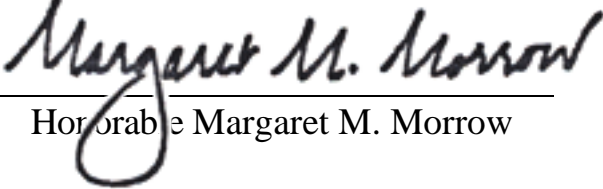
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1           9.       Without affecting the finality of this matter, this Court shall retain  
2 exclusive and continuing jurisdiction over this action and the parties, including all  
3 Settlement Class Members, for purposes of supervising, administering, implementing,  
4 and enforcing, and interpreting the Settlement, and the claims process thereunder.

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6 Dated: February 28, 2013

  
Honorable Margaret M. Morrow